

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

EMERSON CREEK POTTERY INC.)

Plaintiff,)

v.)

COUNTRYVIEW POTTERY CO.,)
EMERSON CREEK EVENTS, INC.,)
CHRISTINA DEMIDUK, and)
DAVID DEMIDUK)

Defendants.)

Case No.: 6:20-CV-0054-NKM

**DEFENDANTS' RENEWED MOTION FOR JUDGMENT AS A MATTER OF LAW,
OR, ALTERNATIVELY, FOR A NEW TRIAL OR AMENDED JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 50(b) and 59 and 15 U.S.C. § 1117, Defendants, through counsel, file this Renewed Motion for Judgement as a Matter of Law under Federal Rules of Civil Procedure Rule 50(b)¹ or, alternatively, a Motion for a New Trial under Rule 59 or Amended Judgment in accordance with 15 U.S.C. § 1117.

A memorandum in support of the Motion is filed herewith. In preparing the memorandum for filing, Defendants' counsel belatedly realized that at 29 pages, the memorandum exceeds the 25-page limit from the Court's Pretrial Order. Defendants' counsel contacted Plaintiff's counsel to request its consent to exceeding the page limit. Plaintiff's counsel, Henry Willett, affirmed that he has no objection.

¹ Defendants recognize that the Court's minutes order from February 25, 2022 stated that it denied Defendants' renewed motion for Judgement as a Matter of Law. However, at that time, Defendants had not yet filed such a motion and therefore did not have the opportunity to articulate the basis for the motion. In an abundance of caution, to ensure that Defendants have not waived appellate review of their arguments, this motion is filed pursuant to Rule 50(b) as well as Rule 59 and 15 U.S.C. § 1117.

WHEREFORE, Defendants respectfully requests that the Court grant its motion in its entirety. Defendants request such further and additional relief as the Court deems just and proper.

Respectfully submitted,

LAUBSCHER & LAUBSCHER, PC

/leljr/

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 25, 2022, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/leljr/
Lawrence E. Laubscher, Jr.
Attorney for Defendants